
REMARKS

The application is a Continuation of U.S. Application Serial No. 10/194,558, filed July 12, 2002, the specification of which is incorporated herein by reference.

Claims 1, 13, 14, 24, 32, and 34 have been amended, and no claims have been cancelled or added; as such, claims 1-37 are presently pending in the case.

During prosecution of the parent application, an office action dated April 18, 2003 (the "office action"), rejected original independent claims 1-12, 24-30, and 31 as being unpatentable over McCue, Jr., et al. (hereafter McCue) (U.S. Patent No. 6,350,073) in view of Olson (U.S. Patent No. 6,386,663). In the office action of the parent case the Examiner objected to original claims 5 and 29 indicating that they contained subject matter that would be allowable if combined with the elements and limitations of their respective base independent claims and any intervening claims.

In the interest of furthering the prosecution of the parent case the Applicant placed the objected to subject matter into condition for immediate allowance and cancelled those claims which stood rejected in the office action. The present preliminary amendment addresses additional allowable subject matter as supported by the specification of the parent case as originally filed.

In the office action of the parent case, the Examiner stated that McCue discloses everything in the rejected claims including the print system. The Examiner further indicated that McCue discloses a mechanism which adjusts surface-to-media spacing (McCue, column 10, lines 58-60), wherein the controller responds to a first parameter of said at least one print control parameter to control the setting of the source-to-media spacing by said adjusting mechanism for the print job (McCue, column 10, 54-60).

McCue appears to describe a method to adjust the source-to-media spacing based upon operator input either through a manual selection lever or through a host computer. McCue does not appear to describe a method to adjust the source-to-media spacing based upon sensing the media type.

In contrast, by way of example and not by way of limitation, the Applicant's independent claims 1, 13, 24, and 32, as amended, describe a method of adjusting printhead-to-media spacing based upon sensing the media type. Support for this claim language is found in the Applicant's specification,

as originally filed, which recites “[t]he media type is detected by a sensor in the printer, and the controller determines the appropriate pen-to-paper spacing for the sensed media type.” (See Spec., page 6, lines 11-13).

Accordingly, McCue does not contain each and every element and limitation of Applicant’s independent claims 1, 13, 24, and 32, as amended. Additionally, the Olson reference does cure the deficiencies of the McCue reference. As such, the Applicant believes that independent claims 1, 13, 24, and 32, as well as those which depend therefrom, are in condition for allowance. Applicant respectfully requests consideration of the same upon review of the present continuation.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (360) 212-8052 to facilitate prosecution of this matter.

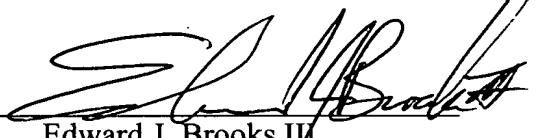
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